APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,749	08/04/1999	CHRISTOPHER THOMAS VOIGT	1330.1031/JR	3440

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EXAMINER
RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/366,749	VOIGT ET AL.
		Examiner	Art Unit
		Sam Rimell	2175

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _25-29 and 34_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _25-29 and 34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

Preliminary Note: This office action incorporates a new grounds of rejection which are not entirely necessitated by the amendment of October 3, 2003. The office action is therefore made non-final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 25-29 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Judge et al. (U.S. Patent 6,401,138).

Claim 25: As described at col. 2, line 46 through col. 3, line 10, Judge et al. discloses an application program interface (API) that can be superimposed on a patient context interface (PCI). The API is readable as the claimed "API" and the PCI is readable as the claimed preexisting user interface of the HCS. The overall computer system is readable as a healthcare system (HCS) as it permits the API to retrieve medical data (col. 2, lines 4-14) and includes established controls (col.3, lines 5-6) to permit the retrieval of data.

The API in Judge et al. is an added user interface to the PCI, which is the preexisting user interface. Implementing the API involves at least one logging process, which is shown in FIG. 8. Here, the API performs a logging operation where applications are registered into the PCI. This is also an authentication process since the PCI can issue responses that applications being loaded are successful or invalid (col. 3, lines 26-28). Once the registration process is complete, the application can be used to retrieve data from a memory, which is readable as the claimed document management system.

Once the applications are registered, the user can then retrieve data or documents by invoking retrieval commands (col. 3, lines 5-6).

Claim 26-27: As described in col. 2, line 58through col. 3, line 10, the API superimposed on the PCI can access function calls, such as "Retrieve Apps( )" and "Retrieve Data( )". Both the functions calls and the arguments within the function calls (the data in the parentheses) are readable as control objects. These control objects perform queries to obtain data.

Claim 28: The API of Judge et al. adds code to the overall computer system (HCS) by adding registered applications, events and data (see FIG. 4).

Claim 29: Judge et al. discloses the user invoking an operation to register an application, which reads as an attempt to log onto the HCS since it involves registering data with the HCS. The act of a user using the application to contact the document management system (memory of Judge et al.) reads an action of the user logging on the document management system.

Claim 34: See remarks for claim 29.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

Sam Rimell
Primary Examiner
Art Unit 2175